

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,875

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare that her psychotherapist has been overpaid by Medicaid. The issue is whether the therapist failed to obtain prior authorization from the Department before providing services to the petitioner.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is a recipient of Medicaid and has been receiving psychotherapy from a licensed provider on a regular and ongoing basis. In November, 1996, the Department determined that it had erroneously paid the provider from Medicaid for services provided to the petitioner from March 20 through October 8, 1996, because the provider had not sought or been approved for payments beyond the yearly maximum that had already been paid for the petitioner before March 20.

The petitioner's therapist does not dispute that he did not obtain prior authorization and has not contested the Department's assessment of an overpayment against him. The petitioner has been covered for services since October 8, 1996, and her therapy has not been interrupted or otherwise adversely affected. The therapist has not billed the petitioner for the services he provided without prior authorization, and has told the Department and the petitioner that he will not do so.

The petitioner stated that she requested an appeal because she feels uncomfortable that her therapist has not been paid for services he has provided to her.

ORDER

The Department's decision is affirmed.

REASONS

There is no dispute in this matter by either the petitioner or her therapist that the therapist did not obtain required preauthorization for certain psychotherapy services he provided to the petitioner that were in excess of the annual maximum. See Medicaid Manual § M660. However, the petitioner did not

experience any interruption in those services and has not incurred any expense for them.

Inasmuch as the Department's decision is in accord with its regulations the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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